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October 3, 2012

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: American Cable Association (“ACA”), *Ex Parte* Meeting on Data Request:
Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-
25, RM-10593**

Dear Ms. Dortch:

On October 1, 2012, John Higginbotham, Superintendent: Cable/Telecommunications for Frankfort Plant Board (“FPB”), Ross Lieberman, ACA, and the undersigned, Thomas Cohen of Kelley Drye & Warren LLP, had a telephone call with the following Wireline Competition Bureau staff: Nick Alexander, Betsy McIntyre, Jamie Susskind, William Layton, Eric Ralph, Ken Lynch, Jack Erb, and Jon Reel. The purpose of the call was to discuss the Commission’s collection of data to assess competitive conditions in the special access market.

Mr. Higginbotham began the call by discussing the network and services provided by FPB, a municipally owned utility serving the city of Frankfort and Franklin County, Kentucky. FPB has approximately 17,000 cable customers and 12,000 broadband customers and serves 25 non-residential customers with direct internet access (“DIA”) service. The DIA service combines internet access with a dedicated high-speed connection. FPB did not obtain any of its DIA customers through marketing efforts, but rather by requests from these customers to FPB about whether it could provide this service. In most instances, FPB provides its DIA service as a secure back-up to the service provided by the incumbent. Finally, while FPB has a computer system generate a single invoice for residential customers for all services, the invoices for the DIA customers are done by hand. Mr. Higginbotham noted that because FPB prices the service on a bundled basis (i.e. internet access plus dedicated connectivity) and because FPB’s invoicing system is not automated, any FCC request for location, service description, and revenue information will pose a burden, although potentially not too significant depending on the request, and he would appreciate flexibility in how he would be asked to

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respond should FPB not be covered by a *de minimis* threshold. He also stated that he is concerned about submitting information that his non-commercial customers consider to be highly confidential because of security concerns and believes the Commission must provide very limited access so such information is not publically disclosed.

FPB additionally has extensive fiber infrastructure in its territory and operates a variety of networks over this infrastructure, including its cable operations, private LANs, and Metro Ethernet services. It does not have automated documentation of these fiber assets, and they are not included in the CLONES database. If a potential customer wants access, FPB first examines its maps to obtain a general view of these facilities involved and then it physically inspects its facilities to make a precise determination. Mr. Higginbotham told Commission staff that he has only two people on his engineering staff and that responding to an FCC data request about the exact location and interconnection points for FPB's fiber infrastructure would take 80-100 person-hours, if not longer. He considers this a tremendous burden and distraction from his business.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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cc: Nick Alexander
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